

JAN 17 2007

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FACSIMILE COVER LETTER

To: Central Fax Center
Firm: U.S. Patent and Trademark Office
Facsimile No.: 571-273-8300
From: William S. Frommer
Date: January 17, 2007
Re: U.S. Serial No. 10/786,809
Attorney Docket 450100-04942
No. of Pages: 5
(including cover page)

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PATENT
450100-04942IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masaharu MURAKAMI et al.

Serial No. : 10/786,809

For : RECORDING APPARATUS, FILE MANAGEMENT METHOD, PROGRAM FOR FILE MANAGEMENT METHOD, RECORDING MEDIUM HAVING PROGRAM FOR FILE MANAGEMENT METHOD RECORDED THEREON

Filed : February 25, 2004

Examiner : Sana A. Al Hashemi

Art Unit : 2164

745 Fifth Avenue
New York, NY 10151
Tel: 212-588-0800

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.
 The fee has been calculated as shown below.
 This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	9	Minus	** = 20	*0x	\$50 (25)	=\$0
Independent claims	3	Minus	*** = 12	*0x	\$200 (100)	=\$0
Total additional fee for this amendment						\$0

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
- ** If the highest number of total claims previously paid for is less than 20, write "20" in this space.
- *** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.
- This application contains a multiple dependent claim. The required fee of \$360(180) has been previously paid or is paid herewith .
- This response is being filed within the ___ month following the expiration of the term originally set therefore. This is a petition to request a ___ month extension of time. A check covering the cost of the petition is enclosed.
- A check in the amount of \$ ___ is attached, which covers the cost of additional claims petition for extension of time.
- Charge \$ ___ to Deposit Account No. 50-0320.
- Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

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Respectfully submitted,

I hereby certify that paper is being facsimile transmitted to the Patent and
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Barnett Shindler
 Type or print name of
 Person signing certification
Barnett Shindler
 Signature

JANUARY 17, 2007

Date of Signature

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: *William S. Frommer*
 William S. Frommer
 Reg. No. 45,506
 Tel: 212-588-0800

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PATENT
450100-04942IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masaharu MURAKAMI et al.
Serial No. : 10/786,809
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Art Unit : 2164

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Barnet Sh. zhdan

Type or print name of
person signing certification
Barnet Sh. zhdan

Signature

JANUARY 17, 2007

Date of Signature

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed November 17, 2006, having a shortened term for reply due February 17, 2007. In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

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In the Office Action under reply, claims 1, 4 and 9 were rejected under 35 USC 101 "as claiming the same invention as that of claims 1, 4 and 9 of prior U.S. Patent Application No. 11/582,023." This is the only rejection in the Office Action.

First, it should be noted that Application 11/582,023 is a divisional of the instant application -- it is not a "prior" application. Accordingly, it is not proper to reject the claims of the present, prior application in view of claims of a subsequently filed application.

Second, Application 11/582,023 was filed on October 17, 2006 with a preliminary amendment that canceled claims 1-9. Application 11/582,023 contains claims 10-20, which were canceled from the present application.

Therefore, since Application 11/582,023 does not contain claims 1, 4 and 9, and since Application 11/582,023 does not contain claims that are directed to the same invention as the claims present in the instant application, the withdrawal of the rejection of claims 1, 4 and 9 of the instant application and the allowance of this application are respectfully solicited.

The Examiner is reminded that he required restriction in the instant application between claims 1-9 on the one hand and claims 10-20 on the other. In response to that restriction requirement, claims 1-9 were elected for further prosecution and claims 10-20 were canceled from the instant application and re-presented in Application 11/582,023. Consequently, it would be improper to reject the claims of the instant application on the ground of obviousness-type double patenting in view of the claims of Application 11/582,023, and vice versa.

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The withdrawal of the rejection of November 17, 2006 and the issuance of the Notice of Allowance of the instant application are respectfully requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

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